

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 03-cr-202-02-JD

Laurie Bohan

O R D E R

On October 13, 2010, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on five alleged violations of conditions of supervision. Defendant stipulated to probable cause on the violations. I therefore find probable cause that defendant has violated the conditions as charged in the petition.

Defendant sought bail conditions under Rule 32.1(a)(6). The government sought detention. The parties proceeded by proffer, but the government elected to supplement its initial proffer with the testimony of Probation Officer Kristin Cook. Under Rule 32.1(a)(6), defendant bears the burden of establishing by clear and convincing evidence that she will not flee and that she poses no danger to any other person or to the community. Based on the evidence presented at today's hearing, and for the reasons stated on the record, defendant has failed to meet her

burden of persuading the court that she poses no danger to herself or to the community.

The court stated on the record its reasons for detaining defendant. Those reasons are summarized below:

- Defendant's cocaine use is escalating to the point that it is, as Ms. Cook testified, "out of control."
- Ms. Cook has afforded this defendant one break after another. Ms. Cook has recommended one treatment program after another. Ms. Cook has invested time and her office's limited resources into helping this defendant achieve and maintain sobriety. Despite these extensive efforts, this defendant continues to abuse cocaine, and more recently, percocet.
- Ms. Cook testified about multiple incidents of the defendant being less than candid with Ms. Cook about her drug use. Defendant's escalating drug use coupled with her deceit provide the strongest evidence that she is not amenable to conditions of release and that she is a danger to herself and the community.

The court finds that there are no conditions or combination of conditions that are likely to assure the safety of the

defendant and the community. Accordingly, it is **ORDERED** that the defendant be detained pending a final revocation hearing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', is written over a horizontal line.

Landya B. McCafferty
United States Magistrate Judge

Date: October 14, 2010

cc: Andrew M. Gallagher, Esq.
Terry L. Ollila, Esq.
U.S. Marshal
U.S. Probation